

In 2013, the American Medical Association officially recognized obesity as a disease.⁷⁰ This classification affects issues ranging from medical cost reimbursement and insurance rates, to the development and marketing of drugs to combat obesity, to the question of who bears responsibility for the calories we consume—the companies marketing food products, the government, or the consumer. Related to the issue of responsibility is the question of whether companies should advertise, or even provide, purportedly unhealthy food and drinks, especially to children.

The Link Between Childhood Obesity and Targeted Advertising

An alarming 16.9% of children and adolescents between the ages of two and nineteen are obese.⁷¹ Between 1980 and 2008, obesity rates tripled for children.⁷² The food and beverage industry spends about \$2 billion a year marketing products to children and teenagers.⁷³ An Institute of Medicine review of 123 empirical studies concluded that “television advertising ‘influences children to prefer and request high-calorie and low-nutrient foods and beverages,’ and ‘influences the short term consumption of children ages 2–12.’⁷⁴ Children are exposed to tens of thousands of fast-food commercials each year; researchers suggest that a ban on fast-food commercials could reduce the number of obese young children by 18%.⁷⁵ Nevertheless, proposals to limit advertising to children face stiff political opposition and heightened judicial scrutiny, given recent Supreme Court decisions that apply free-speech rights to marketing and advertising.⁷⁶

Advocacy groups, such as Action for Children’s Television (ACT), and government actors, from Congress to the Federal Trade Commission (FTC) to state legislatures, continue to pressure “family-oriented” companies to consider the impact

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